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United States of America

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

19 COMES NOW the plaintiff, UNITED STATES OF AMERICA, by and through its counsel,
20 United States Attorney, Karen P. Hewitt, and Assistant U.S. Attorney Caroline P. Han, and hereby
21 files its Motion for Production of Reciprocal Discovery, together with the attached Statement of
22 Facts, and Memorandum of Points and Authorities.

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I

STATEMENT OF FACTS

3 On June 2, 2008 at approximately 12:00 p.m., the defendant entered the California Bank
4 and Trust located at 525 B Street, Suite 100, San Diego, California. He approached a bank teller
5 and stated in substance to her, "Stay calm, this is a robbery. Give me all your large bills from your
6 top drawer." The teller attempted to comply with the robber's demands, but realized that she did
7 not have any large bills in her top drawer. The teller explained this to the defendant who then
8 stated, "Give me all your \$20's and count them out to me like a regular customer." The teller
9 complied with the defendant's demands out of fear of putting her colleagues in danger if she didn't
10 comply with his demands.

11 The teller immediately began counting \$20 bills out to the defendant until the defendant
12 told her in substance, "That's enough," and grabbed all the money the teller had counted and was
13 holding. The defendant then left the bank with \$480.00. Surveillance cameras inside the bank
14 captured the defendant's image during the robbery. The bank's deposits were insured by the
15 Federal Deposit Insurance Corporation (FDIC) at the time of the robbery.

16 On June 5, 2008, the defendant went to San Diego Police Department Headquarters, and
17 explained that he wanted to turn himself in for the June 2, 2008 robbery of the California Bank and
18 Trust. On June 5, 2008 at approximately 12:49 pm, the defendant was advised of his Miranda
19 rights and agreed to waive his rights. The defendant made the following statement: He stated that
20 he went to the California Bank and Trust while wearing the same clothing that he was wearing
21 during the interview. He approached a teller at a middle window, leaned on the teller counter, and
22 stated, "You're being robbed. Don't signal anybody. Give me the \$100's and \$50's from the top
23 drawer." The defendant believed that the teller was reaching for a dye pack after she opened her
24 drawer and he told her, "No." The teller then took out a loose stack of \$20 bills, which she began
25 counting out on the counter. The defendant took the \$20 bills from the teller and left the bank.
26 The defendant then took a bus trip to San Francisco, California and back to San Diego, California.
27 During that trip, the defendant spent the \$480 on food, the bus tickets, a hotel stay in Los Angeles,
28 California, and a hotel stay in San Diego, California. The defendant was shown a surveillance

1 photograph from the bank on June 2, 2008, and confirmed that he was the person who was depicted
2 in the photograph.

3 **II**

4 **GOVERNMENT'S MOTION FOR RECIPROCAL DISCOVERY**

5 **(1) All Evidence That The Defendant Intend To Introduce In Their Cases-In-Chief**

6 Since the Government will honor the defendant's requests for disclosure under Rule
7 16(a)(1)(E), the Government is entitled to reciprocal discovery under Rule 16(b)(1). Pursuant to
8 Rule 16(b)(1), requests that the defendant, photographs, tangible objects, or make copies or
9 portions thereof, which are within the possession, custody, or control of the defendant and which
10 the defendant intend to introduce as evidence in his case-in-chief at trial.

11 The Government further requests that it be permitted to inspect and copy or photograph any
12 results or reports of physical or mental examinations and of scientific tests or experiments made
13 in connection with this case, which are in the possession and control of the defendant, which they
14 intend to introduce as evidence-in-chief at the trial, or which were prepared by a witness whom
15 the defendant intend to call as a witness. The Government also requests that the Court make such
16 order as it deems necessary under Rules 16(d)(1) and (2) to ensure that the Government receives
17 the reciprocal discovery to which it is entitled.

18 **(2) Reciprocal Jencks – Statements By Defense Witnesses (Other Than The**
19 **Defendant)**

20 Rule 26.2 provides for the reciprocal production of Jencks material. Rule 26.2 requires
21 production of the prior statements of all witnesses, except a statement made by the defendant. The
22 time frame established by Rule 26.2 requires the statements to be provided to the Government after
23 the witness has testified. However, to expedite trial proceedings, the Government hereby requests
24 that the defendant be ordered to provide all prior statements of defense witnesses by a reasonable
25 date before trial to be set by the Court. Such an order should include any form in which these
26 statements are memorialized, including but not limited to, tape recordings, handwritten or typed
27 notes and reports.

III

CONCLUSION

For the foregoing reasons, the Government requests that the Court grant the Government's motion for reciprocal discovery.

DATED: August 7, 2008

Respectfully submitted,

KAREN P. HEWITT
United States Attorney

/s/ *Caroline P. Han*
CAROLINE P. HAN
Assistant United States Attorney
Attorneys for Plaintiff
United States of America

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Criminal Case No. 08CR2040-W
Plaintiff,)
v.)
JOHN MICHAEL VREELAND,) CERTIFICATE OF SERVICE
Defendant.)

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IT IS HEREBY CERTIFIED THAT:

I, Caroline P. Han, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

I am not a party to the above-entitled action. I have caused service of **GOVERNMENT'S MOTION FOR RECIPROCAL DISCOVERY** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them:

Frank Mangan
Attorney for the defendant

I hereby certify that I have caused to be mailed the foregoing, by the United States Postal Service, to the following non-ECF participants on this case:

None

the last known address, at which place there is delivery service of mail from the United States Postal Service.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 7, 2008.

/s/ *Caroline P. Han*

CAROLINE P. HAN